

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 IN THE MATTER OF APPLICATION  
4 FOR SEARCH WARRANT

Misc. No. 06-030 (JAF)

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U.S. DISTRICT COURT  
SAN JUAN, P.R.  
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5 ORDER

6 On February 28, 2006, the United States filed a motion to quash  
7 subpoenas issued by the Office of the General Prosecutor, Pedro G.  
8 Goyco-Amador, of the Department of Justice, Commonwealth of Puerto  
9 Rico ("PRDOJ"), to compel the production of documents and information  
10 from Humberto García, United States Attorney, District of Puerto Rico  
11 ("U.S. Attorney García), and from Luis Fraticelli, Special Agent in  
12 Charge of the San Juan, Puerto Rico, field office of the Federal  
13 Bureau of Investigation ("FBI S/A Fraticelli"). We note that the  
14 motion to quash was duly served upon the PRDOJ.

15 Apparently, the issuance of the subpoenas triggers the  
16 government's invocation of the removal principles of this type of  
17 actions pursuant to 28 U.S.C. § 1442. See, e.g., State of Louisiana  
18 v. Sparks, 978 F.2d 226 (5<sup>th</sup> Cir. 1992).

19 Before acting, and in the spirit of preserving the delicate  
20 balance between the United States sovereign immunity and any  
21 legitimate state interest, a hearing will be held on **March 2, 2006,**  
22 **at 9:30 A.M.,** where the PRDOJ will show cause as to why the  
23 information and/or documents sought through the two federal officials  
24 should not be protected from disclosure pursuant to 28 C.F.R.

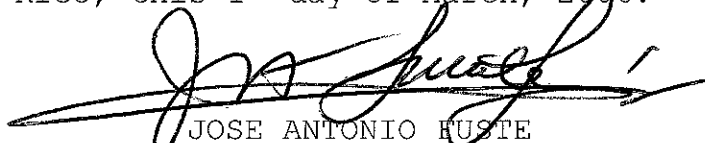
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1 §§ 16.22 & 16.26(b), and the Supremacy Clause of the United States  
2 Constitution.

3 **IT IS SO ORDERED.**

4 San Juan, Puerto Rico, this 1<sup>st</sup> day of March, 2006.

5   
6 JOSE ANTONIO RUSTE  
Chief U. S. District Judge